

REMARKS

Applicants submit this Amendment After Final in reply to the final Office Action dated March 16, 2005.

In this Amendment After Final, Applicants propose to amend claim 1 as set forth above. The originally-filed specification, claims, and drawings fully support the subject matter of amend claim 1. No new matter has been introduced.

Before entry of this Amendment After Final, claims 1-2 and 4-8 were pending in this application, with claims 6-8 having been withdrawn from consideration. After entry of this Amendment After Final, claims 1-2 and 4-8 are still pending in this application, with claims 6-8 still having been withdrawn from consideration. Claim 1 is the sole non-withdrawn independent claim.

On pages 4-8 of the final Office Action, claims 1 and 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,415,817 to Shiao et al. ("Shiao") in view of U.S. Patent No. 5,543,966 to Meyers ("Meyers") and U.S. Patent No. 6,215,591 to Ueda et al. ("Ueda"); and claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shiao in view of Meyers and Ueda and further in view of U.S. Patent No. 5,978,140 to Maruyama ("Maruyama"). Applicants respectfully traverse these rejections.

No combination of Shiao, Meyers, Ueda, and Maruyama discloses or suggests the claimed invention. For example, independent claim 1 recites an optical element molded between a first die and a second die which are jointed along a partition line including, among other aspects, "wherein the second edge portion is positioned at the

partition line between the first die and the second die and the first edge portion is positioned to be distant from the partition line.”

Shiao fails to disclose the claimed second edge portion positioned at a partition line between a first die and a second die and the first edge portion is positioned to be distant from the partition line. Page 3 of the final Office Action asserts, in reference to Shiao, that “[i]t is noted that both the first and second edge portion of the flange surface are positioned and intersected at the partition line, as seen in region 18 in any of Figures 1-4.” Assuming *arguendo* this is true, which Applicants do not concede for at least the reasons set forth on page 6 of the Amendment filed December 23, 2004, then the final Office Action concedes that Shiao discloses that the first edge portion is positioned at the partition line, and thus does not disclose that “the first edge portion is positioned to be distant from the partition line” as recited in claim 1.

Furthermore, neither Meyers, Ueda, nor Maruyama remedy the aforementioned deficiencies of Shiao. For example, as set in the Declaration of Hiroyuki Hattori submitted with the Amendment After Final filed October 2, 2003, the die separation in Meyers first occurs from the convex surface of the lens, i.e., the portion of the lens adjacent to mold surface S1, so that mold surface S2 does not damage the diffractive surface of the portion of the lens adjacent to mold surface S2. Thus, Meyers discloses that the first edge portion is positioned at the partition line, and thus does not disclose that “the first edge portion is positioned to be distant from the partition line” as recited in claim 1. In another example, neither Ueda nor Maruyama have been cited as providing details on how geometrical optics portion 20 and lens 10, respectively, are removed from dies. Accordingly, because a proper case of *prima facie* obviousness has not

been established, as the final Office Action does not show how Shiao, Meyers, and Ueda in combination with Maruyama discloses or suggests every aspect of the claimed invention, Applicants respectfully request withdrawal of the rejection.

Applicants further submit that claims 2, 4, and 5 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by Shiao, Meyers, Ueda, Maruyama, or the cited art, and therefore at least some also are separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-2 and 4-5 in condition for allowance. Applicants submit that the proposed amendments of claim 1 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment After Final, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

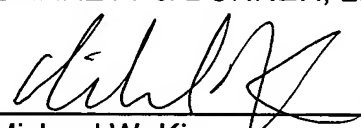
Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 10, 2005

By: _____


Michael W. Kim
Reg. No. 51,880